

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRI ANN TATE and GARDUS TATE

Plaintiffs,

v.

Case Number 10-13257

Honorable David M. Lawson

Magistrate Judge Michael Hluchaniuk

BAC HOME LOAN SERVICING, LP, BANK OF
AMERICA, NA, FANNIE MAE, MERS, INC.,
GOLDEN TITLE INSURANCE AGENCY,
INCORPORATED, ROMAN HOROSZWESKI,
and LAURA HOROSZWESKI,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING DEFENDANTS' MOTIONS TO DISMISS**

Presently before the Court is the report issued on August 5, 2011 by Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that this Court grant defendants BAC Home Loan Servicing, LP, Bank of America, NA, Fannie Mae, and MERS, Inc.'s motions to dismiss. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #57] is **ADOPTED**.

It is further **ORDERED** that defendants BAC Home Loan Servicing, LP, Bank of America, NA, Fannie Mae, and MERS, Inc.'s motions to dismiss [dkt. #32 and 44] are **GRANTED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 7, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 7, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL